

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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UTICA MUTUAL INSURANCE COMPANY,

Plaintiff,

Civil Action No.: 6:09-CV-0853

(DNH/TWD)

-against-

FIREMAN'S FUND INSURANCE COMPANY,

Defendant.

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**DEFENDANT FIREMAN'S FUND INSURANCE COMPANY'S  
MOTION TO COMPEL (REINSURER NOTICES AND ALLOCATION  
INFORMATION)**

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Attorneys for Defendant

As set forth in Defendant Fireman's Fund Insurance Company's Memorandum of Law and the Affidavit of Mary A. Lopatto submitted with this Motion, FFIC moves this Court for an Order compelling Plaintiff Utica Mutual Insurance Company ("Utica") to produce reinsurer notices and allocation information.

FFIC has conferred with Utica in a good faith effort to arrive at a mutually satisfactory resolution of the discovery issues addressed in FFIC's Memorandum of Law. August 30, 2012 Affidavit of Mary A. Lopatto ¶ 3. Because the parties' conferences did not fully resolve the discovery issues, FFIC requested a court conference. Dkt. 138 Lopatto Letter dated July 13, 2012. During the court conference on August 2, 2012, the Court ordered that FFIC file its Motion to Compel by August 31, 2012. Text Minute Entry dated August 2, 2012.

Pursuant to the Stipulated Protective Order Regarding Confidential Items and Information entered on July 25, 2011, FFIC's Memorandum of Law and accompanying Affidavit (and exhibits) are filed under seal.

Dated: August 30, 2012

Respectfully submitted,

By: /s Mary A. Lopatto  
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**CERTIFICATE OF SERVICE**

I hereby certify that on August 30, 2012, a true and correct copy of Defendant Fireman's Fund Insurance Company's Motion to Compel (Reinsurer Notices and Allocation Information) was filed electronically with the Clerk of Court for the United States District Court for the Northern District of New York using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/Nancy E. Monarch